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October 15, 2013

By Hand Delivery

The Honorable Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1610
New York, NY 10007-1312

Re: Eastman Kodak Company v. Ricoh Company, Ltd., No. 12-cv-3109 (DLC)

Dear Judge Cote:

On behalf of Ricoh Company, Ltd. ("Rico"), we respectfully submit this letter in connection with Ricoh's Opposition to Kodak's Motions *in Limine*, filed on October 14, 2013 (*see* Dkt. 165).

In support of Ricoh's Opposition, Ricoh delivered to the Court paper and electronic courtesy copies of the Declaration of Philip Charles Sternhell, to which 10 exhibits were attached. Subsequently, Ricoh realized that the document attached as Exhibit 5 to the Sternhell Declaration is a privileged document that was inadvertently included.

To avoid any confusion, Ricoh is withdrawing Exhibit 5. In our concurrent filing on ECF, we have filed an exhibit placeholder noting that the exhibit is withdrawn. (*see* Dkt. 166) We have also contacted counsel for Kodak, who agreed to destroy their copy of the document.

Accordingly, we respectfully request that the Court remove and destroy the copies of Exhibit 5 to the Sternhell Declaration included in the courtesy copies of Ricoh's Opposition papers that were hand delivered to the Court on October 14 and received electronically.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

A handwritten signature in blue ink that reads "David Eiseman". The signature is written in a cursive, flowing style.

David Eiseman

cc: Robert Gunther, Jr. (via ECF)
Michael Summersgill (via ECF)